

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application.

Claim 1 was rejected under 35 U.S.C. 112, first paragraph for reciting “wherein the level of security includes a type of access permitted to the grid computer.” The current amendment deletes the noted portion of claim 1. In view of the current amendment, applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 112.

Claims 1-4 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier in view of Ferstl. Claims 6, 7, 9 and 10 were rejected as being upatentable over the combination of Choquier, Ferstl and Hubbard. Claim 9 has been deleted. Claim 1 has been amended based on claim 9.

Claim 1 requires creating a file of at least one job performance factor governing performance of grid jobs on a particular grid computer and assigning a grid job to a grid computer based upon the at least one job performance factor in the file. Further, creating the file additionally comprises including at least one local operating condition for the grid computer in the file, and wherein the at least one local operating condition included in the file comprises an indication of at least one time period of optimal electricity rate for operating the grid computer.

The Office action cites Hubbard for teaching a time period of optimal electricity rate for operating the grid computer. At page 11, the Office action asserts that “the claim language is broad and does not disclose to one of the ordinary skill of the art the claimed ‘optimal electricity rate’ is electrical cost” and that “Examiner interprets the limitation as electricity consumption of the system.”

The Examiner’s interpretation of electricity rate as meaning electricity consumption is incorrect for being inconsistent with the meaning that one of ordinary skill in the art would ascribe to these terms. See MPEP § 2111. First, “electricity rate” customarily refers to the cost of electricity (as would be understood by one of ordinary skill in the art), while terms such as “current,” “power” and “load” refer to consumption. Second, the application discusses electricity rates as fluctuating in areas where the grid

computer is located. See, e.g., paragraph [0031] of publication 2005/0165854. Fluctuating electricity rates for an area would be clearly understood by one of ordinary skill in the art to refer to changes in the cost of electricity in said area, and not changes in electricity consumption. Both the customary use of the terms “electricity rate” and the specific use of these terms in the context of the written description would lead one of ordinary skill in the art to understand “electricity rate” to mean the cost of electricity. Accordingly, the proper interpretation of the terms “electricity rate” is the cost of electricity.

None of the cited references teach, or otherwise render foreseeable, wherein the at least one local operating condition recorded in the file comprises an indication of at least one time period of optimal electricity rate (i.e., optimal cost of electricity) for operating the grid computer, as required by claim 1. Therefore, applicants respectfully submit that claim 1 is allowable over said references. Claims 2-4, 6-8 and 10 depend from claim 1.

Claims 11-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Choquier in view of Buyya. Claim 12 has been deleted. Claim 11 has been amended to include the limitations of claim 12.

Claim 11 requires creating a job performance file based on the grid job, wherein the job performance file includes at least one milestone to be reached in performing the grid job before completion and reporting to the grid manager by the grid computer when each milestone is reached. In rejecting claim 12, the Office action cites Buyya at page 87, lines 3-4 and 13. The cited passage discusses “GridSim,” which is a toolkit for modeling and simulation of Grid resources and application scheduling (see, e.g., page 81, first paragraph). Further, the cited passage discusses the modeling of an interaction between simulated grid entities. Assuming, *arguendo*, that this modeling and simulation could include milestones to be reached and reporting when milestones are reached, it would be in the context of a simulated grid. Such milestones would not be milestones “to be reached in performing a grid job before completion,” because there would be no actual grid job to complete. Moreover, such milestones would not be included in any job performance file that is created based on a grid job. Further, any reporting based on the milestones would not be between a grid computer and a grid manager (as required by

claim 11), but would occur between merely simulated entities. Therefore, in view of the discussion above, applicants respectfully submit that claim 11 is allowable over the combination of Choquier and Buyya. Claims 13-20 depend from claim 11.

New claim 22 has been added, which depends from above-discussed claim 1.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ACER-45174.

Respectfully submitted,
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